

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ERIK DAVIDSON,

Plaintiff,

07-CV-0780S(Sr)

v.

CASE MANAGEMENT ORDER

SUPERINTENDENT SAVAGE, et al.,

Defendants.

Pursuant to the Order of the **Hon. William M. Skretny** referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) of the Local Rules of Civil Procedure for the Western District of New York, it is ORDERED that:

1. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished by **August 22, 2008.**

2. All motions to join other parties and to amend the pleadings shall be filed on or before **September 26, 2008.**

3. All fact depositions shall be completed no later than **December 12, 2008.**

4. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) by **October 3, 2008**. Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) by **November 7, 2008**. Such disclosures shall be served on all counsel. See *also* Local Rule 26.

5. All expert depositions shall be completed no later than **January 30, 2009**.

6. All discovery in this case shall be completed no later than **February 13, 2009**.

7. All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date. In the event of bonafide discovery disputes that cannot be resolved by counsels' good faith efforts (*see generally* Local Rule 37), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by letter a statement of facts and law it wishes the Court to consider. Original letters shall be filed with the Clerk of the Court, and a courtesy copy shall be provided simultaneously to Chambers. The Court reserves the right to request full briefing by the parties, in which case the Court will so advise the parties.

8. Based on discussions at the preliminary pretrial conference held with the Court, an early settlement conference will be held with the undersigned at 418

U.S. Courthouse, Buffalo, New York on **January 6, 2009 at 10:00 a.m.** In order to make the settlement conference productive, plaintiff shall communicate a demand to defendant prior to the conference. See Local Rule 16.1(c). Counsel shall appear at the conference with full settlement authority. Clients should either be present or available by telephone. A sample settlement conference scheduling order, containing detailed instructions to be followed in preparing for the conference, is attached for your reference.

9. Plaintiff's counsel shall submit a formal written settlement demand to defendants' counsel no later than **December 4, 2008**. Defendant's counsel shall respond to plaintiff's counsel in writing no later than **December 31, 2008**.

10. Dispositive motions by all parties shall be filed and served no later than **March 27, 2009**. See *generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before Judge Skretny, or if the Magistrate Judge has dispositive motion jurisdiction in the case, before the Magistrate Judge.

11. In the event no dispositive motions are filed, pretrial statements in strict compliance with Local Rule 16.1(l) shall be filed and served no later than **April 24, 2009**, and the parties shall strictly adhere to the dates set forth in paragraphs 13 and 14 below.

12. A final pretrial conference pursuant to Fed.R.Civ.P. 16(d) and Local Rule 16.1(j) will be held on **May 13, 2009 at 9:00 a.m.** before Judge Skretny.

13. Trial is set for **July 14, 2009 at 9:30 a.m.**

14. Adjournments: The dates in this scheduling order may not be extended by agreement of counsel. Pursuant to Judge Skretny's Guide to Civil Practice, extensions may be granted, for good cause shown, only upon motion to Judge Skretny, or if the Magistrate Judge has dispositive motion jurisdiction in the case, before the Magistrate Judge. See Guide to Civil Practice, II(A)(2).

15. Intermediate Settlement Conference: If counsel are of the belief that an intermediate conference before the Magistrate Judge would be of assistance in the prompt disposition of the case, such a conference will be scheduled upon application of any party.

16. Counsel are directed to refer to Judge Skretny's Guide to Civil Practice for additional guidelines.

17. Courtesy Copies: Courtesy copies of all motion papers shall be provided to chambers simultaneously with their filing in the Office of the Court Clerk.

18. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

SO ORDERED.

DATED: Buffalo, New York
July 21, 2008

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge